



House of Representatives

General Assembly

File No. 586

January Session, 2015

Substitute House Bill No. 6902

House of Representatives, April 13, 2015

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MUNICIPAL COMMUNICATIONS REGARDING REFERENDA.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-369b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) (1) (A) Except as provided in subdivision (2) of this subsection,
4 any municipality may, by vote of its legislative body, authorize the
5 preparation, [and] printing and dissemination of concise explanatory
6 texts [of] or other printed material with respect to local proposals or
7 questions approved for submission to the electors of a municipality at
8 a referendum. [In] For the purposes of this section, in a municipality
9 that has a town meeting as its legislative body, the board of selectmen
10 shall [, by majority vote, determine whether to authorize an
11 explanatory text or the dissemination of other neutral printed material]
12 be deemed to be the legislative body of such municipality.

13 (B) [Thereafter, each] Each such explanatory text shall be prepared
14 by the municipal clerk [, subject to the approval of the municipal
15 attorney,] and shall specify the intent and purpose of each such
16 proposal or question. Such explanatory text shall not advocate either
17 the approval or disapproval of the proposal or question. The municipal
18 clerk shall cause such question or proposal and such explanatory text
19 to be printed in sufficient supply for public [distribution]
20 dissemination and shall also provide for the printing of such
21 explanations of proposals or questions on posters of a size to be
22 determined by said clerk. At least three such posters shall be posted at
23 each polling place at which electors will be voting on such proposals or
24 questions. Any posters printed in excess of the number required by
25 this section to be posted may be displayed by said clerk at the clerk's
26 discretion at locations which are frequented by the public. The
27 explanatory text shall also be furnished to each absentee ballot
28 applicant pursuant to subsection (d) of section 9-140. [Any
29 municipality may, by vote of its legislative body and] Each such
30 explanatory text shall be subject to the approval of the municipal
31 attorney.

32 (C) Any such other printed material shall be prepared by the person
33 or persons so authorized by the legislative body, shall not advocate
34 either the approval or disapproval of the proposal or question and
35 shall be subject to the approval of [its] the municipal attorney. [,
36 authorize the preparation and printing of materials concerning any
37 such proposal or question in addition to the explanatory text if such
38 materials do not advocate the approval or disapproval of the proposal
39 or question.]

40 (2) (A) For any referendum called for by a regional school district,
41 the regional school board of education shall authorize the preparation,
42 [and] printing and dissemination of concise explanatory texts [of] or
43 other printed material with respect to proposals or questions approved
44 for submission to the electors of [a municipality] the municipalities
45 included in such regional school district at a referendum. For any such
46 referendum, only the regional school board of education shall make

47 any such authorization.

48 (B) [The regional school board of education's secretary shall prepare
49 each such explanatory text, subject to the approval of the regional
50 school board of education's counsel, and] Each such explanatory text
51 shall be prepared by the regional school board of education and shall
52 specify the intent of each such proposal or question. Such explanatory
53 text shall not advocate either the approval or disapproval of the
54 proposal or question. The regional school board of education's
55 secretary shall undertake any other duty of a municipal clerk, as
56 described in subdivision (1) of this subsection. Each such explanatory
57 text shall be subject to the approval of the regional school board of
58 education's attorney.

59 (C) Any such other printed material shall be prepared by the person
60 or persons so authorized by the regional school board of education,
61 shall not advocate either the approval or disapproval of the proposal
62 or question and shall be subject to the approval of the regional school
63 board of education's attorney.

64 (3) (A) For purposes of this subdivision, "community notification
65 system" means a communication system maintained by a municipality
66 that is available to all residents of [a] such municipality and permits
67 any resident to opt to [be notified by the] receive notifications of
68 community events or news from such municipality via electronic mail,
69 text, telephone or other electronic or automated means. [of community
70 events or news.]

71 (B) At the direction of the chief elected official of a municipality or,
72 with respect to a referendum called for by a regional school district,
73 the request of the chairperson of the regional school board of
74 education having jurisdiction over such municipality included in such
75 regional school district, a municipality that maintains a community
76 notification system may use such system to send or publish a notice
77 informing all residents enrolled in such system of an upcoming
78 referendum. [to all residents enrolled in such system.] Such notice shall
79 be limited to [(A)] (i) the time and location of such referendum, [(B)]

80 (ii) a statement of the question as it is to appear on the ballot at the
81 referendum, and [(C)] (iii) if applicable, the explanatory text or other
82 material approved in accordance with subdivision (1) or (2) of this
83 subsection. Any such notice shall not advocate the approval or
84 disapproval of the proposal or question or attempt to influence or aid
85 the success or defeat of the referendum.

86 (C) Other than a notice authorized by this subdivision, no person
87 may use or authorize the use of municipal funds to send an unsolicited
88 communication to a group of residents regarding a referendum via
89 electronic mail, text, telephone or other electronic or automated means
90 for the purpose of reminding or encouraging such residents to vote in
91 a referendum, provided such prohibition shall not apply to a regularly
92 published newsletter or similar publication.

93 (D) An Internet web site maintained by a municipality or a regional
94 school district shall not be deemed a community notification system
95 for the purposes of this subdivision, but may contain a notice with the
96 information described in subparagraph (B) of this subdivision.

97 (4) Except as specifically authorized in this section, no expenditure
98 of state or municipal funds shall be made to influence any person to
99 vote for approval or disapproval of any such proposal or question or to
100 otherwise influence or aid the success or defeat of [the] any such
101 referendum. The provisions of this subdivision shall not apply to a
102 written, printed or typed summary of any official's views on a
103 proposal or question, which is prepared for any news medium or
104 which is not distributed with public funds to a member of the public
105 except upon request of such member. For purposes of this section, the
106 maintenance of a third-party comment posted on social media or on an
107 Internet web site maintained by the state, a municipality or a regional
108 school district permitting such third-party comments shall not
109 constitute an expenditure of state or municipal funds.

110 (b) The State Elections Enforcement Commission, after providing an
111 opportunity for a hearing in accordance with chapter 54, may impose a
112 civil penalty on any person who violates this section by authorizing an

113 expenditure of state or municipal funds for a purpose which is
114 prohibited by this section. The amount of any such civil penalty shall
115 not exceed twice the amount of the improper expenditure or one
116 thousand dollars, whichever is greater. In the case of failure to pay any
117 such penalty imposed under this subsection within thirty days of
118 written notice sent by certified or registered mail to such person, the
119 superior court for the judicial district of Hartford, on application of the
120 commission, may issue an order requiring such person to pay the
121 penalty imposed. Notwithstanding the provisions of sections 5-141d,
122 7-101a and 7-465, any other provision of the general statutes, and any
123 provision of any special act or charter, no state or municipal officer or
124 employee shall be indemnified or reimbursed by the state or a
125 municipality for a civil penalty imposed under this subsection.

126 (c) Any municipality may provide, by ordinance, for the
127 preparation, [and] printing and dissemination of concise summaries of
128 arguments in favor of, and arguments opposed to, local proposals or
129 questions approved for submission to the electors of a municipality at
130 a referendum for which explanatory texts are prepared under
131 subsection (a) of this section. Any such ordinance shall provide for the
132 establishment or designation of a committee to prepare such
133 summaries, in accordance with procedures set forth in said ordinance.
134 The members of said committee shall be representatives of various
135 viewpoints concerning such local proposals or questions. The
136 committee shall provide an opportunity for public comment on such
137 summaries to the extent practicable. Such summaries shall be
138 approved by vote of the legislative body of the municipality, or any
139 other municipal body designated by the ordinance, and shall be posted
140 and distributed in the same manner as explanatory texts under
141 subsection (a) of this section. Each summary shall contain language
142 clearly stating that the printing of the summary does not constitute an
143 endorsement by or represent the official position of the municipality.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	9-369b
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GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 16 \$	FY 17 \$
Local and Regional School Districts	Potential Cost	less than 1,000	less than 1,000

Explanation

The bill authorizes local and regional school districts to print and disseminate materials related to regional school district referenda. Local and regional school districts could incur costs of less than \$1,000 if they chose to print and mail this information. Local and regional school districts that chose to disseminate the information electronically would not incur any costs.

The bill also makes changes to the ways in which municipalities can use their community notification systems, and makes clarifying changes concerning municipal web sites and social media sites. These changes have no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6902****AN ACT CONCERNING MUNICIPAL COMMUNICATIONS
REGARDING REFERENDA.****SUMMARY:**

Current law generally prohibits municipalities from sending residents unsolicited communications about referenda, with one exception. It authorizes those that maintain a community notification system to use it, at their chief elected official's direction, to notify enrolled residents of an upcoming municipal referendum.

This bill creates a second exception, authorizing regional school boards to request that their member municipalities use their community notification systems to notify enrolled residents of an upcoming regional school district referendum. The board chairperson must make the request.

The bill also authorizes regional school boards to print and disseminate neutral printed material, in addition to explanatory texts, about regional school district referenda. The board's attorney must approve the material. Municipalities already have this authority for municipal referenda. The bill specifies that the material may be prepared by a person authorized by the regional school board or municipal legislative body, whichever applies.

The law prohibits the use of public funds to influence the success or defeat of a referendum question. The bill exempts from this prohibition third-party comments posted on social media or on Internet websites maintained by the state, municipalities, or regional school districts. The bill also conforms law to practice by specifying that an Internet website maintained by a municipality or regional

school district is not a community notification system and may contain a notice of an upcoming municipal or regional school district referendum.

The bill makes several technical and conforming changes, principally to align the processes under which municipalities and regional school boards authorize, prepare, approve, and disseminate referenda explanatory texts and other neutral printed material.

EFFECTIVE DATE: Upon passage

COMMUNITY NOTIFICATION SYSTEMS

By law, a “community notification system” is a communication system available to all residents of a municipality and permits them to opt to be notified of community events or news by e-mail, text, telephone, or other electronic or automated means.

Currently, municipalities must limit notices to (1) a referendum's time and location, (2) the question that will appear on the ballot, and (3) any approved explanatory text describing the question's intent and purpose. Under the bill the notices may also include other neutral printed material approved for submission to electors on a municipal or regional school district referendum.

The law, unchanged by the bill, prohibits the notice from advocating for or against the success or defeat of a referendum question.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/25/2015)